



January 30, 2023

Via Electronic Mail – Christine.M.Budai@usace.army.mil

US Army Corps of Engineers – Portland District
c/o Chris Budai
P.O. 2946, 333 SW 1st Avenue
Portland, Oregon 97208-2946

RE: Yakama Nation comments on the Updated Smallmouth Bass, Crayfish, and Clam Data Report, River Operable Unit , Bradford Island

Dear Ms. Budai:

This letter concerns the U.S. Army Corps of Engineers' (USACE) September 2022 Updated Smallmouth Bass, Crayfish, and Clam Data Report, River Operable Unit, Bradford Island, Cascade Locks, Oregon (Data Report). On January 26, 2023 – for the first time – the Environmental Protection Agency (EPA) informed the Confederated Tribes and Bands of the Yakama Nation (Yakama Nation) that comments on the Data Report were due the following day, on January 27, 2023. Given the complete lack of previous communications, this did not provide Yakama Nation with time to fully prepare comments.

Nonetheless, even Yakama Nation's cursory review of the Data Report found serious flaws in the information and conclusions presented. In particular, the Data Report significantly over-interprets the available data and overestimates that data's value as a tool to evaluate the previous non-time critical removal actions and overall Bradford Island cleanup progress. Our preliminary review suggests that the only substantive conclusion that can be drawn from the Data Report is that concentrations of PCBs in fish, clam, and crayfish tissue found in the Columbia River at Bradford Island remain orders of magnitude above applicable cleanup levels and continue to pose a serious and immediate threat to human health and the environment. Yakama Nation understands that EPA, Oregon Department of Environmental Quality, Oregon Health Authority, and Oregon Department of Fish and Wildlife have expressed similar concerns.

USACE's lack of communication is, once again, both disappointing and counterproductive. This is especially frustrating because it follows so closely on the commitments made by both USACE and the Department of the Army to consult fully and in good faith with Yakama Nation in the cleanup process of

Bradford Island. As Yakama Nation has recently indicated,¹ USACE's cleanup at Bradford Island must be performed under the Comprehensive Environmental Response, Compensation, and Liability Act and the National Contingency Plan, and the current approach appears profoundly misguided and fundamentally incorrect. This most recent episode only reinforces the fundamental lack of respect that USACE has expressed for the intent of Congress, Yakama Nation's tribal sovereignty, and the importance of the Columbia River to the life and culture of the Yakama people.

This latest attempt by USACE to cram the newly formed administrative record with incomplete and fundamentally flawed data should be abandoned, at least until such time as the information has been fully vetted and its true impact fully understood. Yakama Nation understands that EPA has previously recommended USACE participate in a comprehensive evaluation of the available data for the Bradford Island site, identification of data gaps, and scoping of a supplemental work plan with EPA's recognized experts in sediment evaluation and remediation. We strongly recommend that USACE accept EPA's offer and arrive at the proposed workshop ready to engage fully with Yakama Nation, EPA, Oregon and Washington to fully evaluate the work performed to date and appropriate next steps in an open, productive and, ultimately, scientifically and legally defensible manner.

Please do not hesitate to contact me with questions. I can be reached at shil@yakamafish-nsn.gov or 509.985.3561.

Sincerely,



Laura Shira, P.E.
Yakama Nation Fisheries

¹ Letter to John Morgan from Phil Rigdon regarding Bradford Island NPL Site – Restoration Advisory Board (RAB) dated January 25, 2023.